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17 May 1984

The Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

Senator Biden's Drug Czar Bill, S. 1787, is currently under consideration in the House of Representatives. While I certainly favor efforts to improve the Government's ability to cope with the drug problem, I am concerned that certain aspects of this Bill could inadvertently have a detrimental effect on intelligence activities.

Subsections 4 (a) (3) and 4 (b) (3) could be read as authorizing the Board and the Drug Czar to coordinate strategic narcotics intelligence activities abroad -- a responsibility currently exercised by the Director of Central Intelligence (DCI) in coordination with the Secretary of State. These activities are largely conducted by the same personnel who are engaged in other intelligence pursuits, and the establishment of a separate chain of authority for narcotics-related activities could disrupt other intelligence activities and interfere with liaison with foreign intelligence services and the conduct of foreign affairs. The Czar's authority to evaluate narcotics information might also be interpreted as entitling him to make determinations as to the use of narcotics intelligence outside of normal security channels independent of other intelligence concerns, thereby jeopardizing intelligence sources and methods.

Subsections 4 (a) (1) and 4 (c) (3) of the Bill could interfere with the formulation of the Intelligence Community budget by giving the Narcotics Board the power to fund narcotics efforts out of money appropriated for other intelligence projects vital to the security of this country. I believe that robbing Peter to pay Paul is not the answer to the drug enforcement problem. Instead, senior officials in federal agencies involved in drug enforcement should work closely with members of Congress to obtain the necessary funds to combat the drug problem.

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Finally, subsection 4 (c) (1) of the Bill would interfere with the DCI's responsibilities for allocating intelligence assets -- in this case, personnel. Because intelligence officers have multiple responsibilities, having them serve two masters would cause total confusion.

Although subsection 4 (d) provides that "notwithstanding the authority granted in [Section 4 (a)], the Board shall not interfere with routine law enforcement or intelligence decisions of any agency," it does not protect Intelligence Community interests because it covers only the Board's actions; the Czar apparently is not covered. Moreover, it protects from interference only routine intelligence decisions. Nonroutine, indeed significant, intelligence decisions could be compromised.

One way to avoid the potential problems outlined above would be to urge the Congress to consider expanding the scope of the noninterference provision by striking the reference to "intelligence decisions" in subsection 4 (d) and by adding a new provision as follows:

> Nothing in section 4 shall limit the authorities provided the Director of Central Intelligence by the National Security Act of 1947, as amended, the CIA Act of 1949, or any other statute or Executive Order.

I am open to any other suggestions regarding possible approaches to resolving the issues raised in this letter. I hope that by working together we can reach an agreement with the Congress that will improve the effectiveness of the Government's effort against drug trafficking and at the same time protect intelligence interests.

Sincerely,

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John N. McMahon
Deputy Director of Central Intelligence

cc: Mr. Jay B. Stephens
Deputy Associate Attorney General

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